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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,964	02/28/2002	Thomas Baudel	ILOC-P01-001	4759
28120	7590	09/09/2004	EXAMINER	AMSBURY, WAYNE P
ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			ART UNIT	PAPER NUMBER
			2171	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/086,964	BAUDEL, THOMAS
	<b>Examiner</b>	<b>Art Unit</b>
	Wayne Amsbury	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 November 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/28/02, 11/10/03</u> .	6) <input type="checkbox"/> Other: _____

CLAIMS 1-20 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 11-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is directed to a computer program *per se*, which is abstract and conceptual and does not fall within the statutory categories of technological art.**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-4, 6-11, 13 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sklar et al (Sklar), US 5,790,121, 4 August 1998.**

Sklar is directed to a clustering user interface for database searches and the filtering of search results [COL 1 lines 5-8].

As to **claim 1**, an embodiment for Sklar is a database accessed with SQL in which the result of a query may be a table [COL 1 lines 21-45], from which Sklar is directed to representing records arranged in a data table having columns and rows.

Visualization parameters for Sklar include the dimensional parameters of a two-dimensional plane [COL 2 lines 26-30; the Figures, and elsewhere], or they may be based on field values of a record [COL 3 lines 15-38], which are values of a column parameter. Both the dimensions and the column variables correspond to visualization parameters [as noted in **claim 4**].

Clustering is a basic theme of Sklar, as noted by the title, SUMMARY, and throughout the disclosure. It is clearly dependent on the positional parameters of a map in examples of Sklar.

Sorting is inherent in the examples and embodiments of Sklar, where data points are sorted by dimension [Figures], state [FIG 1-3], and elsewhere and for purposes of clustering [SUMMARY]. There is clearly a predetermined order to geometric sorting in each dimension and this is inherently determined by a parameter, position.

A geometric attribute primitive may include position, size or shape as noted in **claim 6**, and Sklar is explicit about the option to choose irregular or regular shapes to determine user interface elements called *icons*, [COL 3 lines 7-14; FIG 8]. This clearly implies the use of a shape selection parameter.

Sklar allows decoration parameter values such as identified borders or implied borders to be chosen by the user, which implies the use of a decoration parameter that determines a graphic attribute primitive [COL 3 lines 7-14]. Sklar implicitly notes that the defining of graphic attribute primitives by the use of decoration parameters was prior art in the discussion of the use of "small black squares" on a map [COL 6 lines 5-15], corresponding to **claim 8**.

The figures of Sklar depict the graphical representation of the sorted records or clusters having the associated geometric and graphic attribute primitives.

As to **claim 3**, Sklar provides for zooming in on a single record and/or cluster of records [SUMMARY].

As to **claim 7**, the Figures of Sklar amply demonstrate the use of polygons.

As to **claim 9**, the selection and zooming of Sklar corresponds to the selection of sub-visualization parameters with selected clusters.

As to **claim 10**, clearly Sklar corresponds to the visualization of data tables.

The elements of **claims 11, 13 and 15-20** are rejected in the analysis above and these claims are rejected on that basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar et al (Sklar), US 5,790,121, 4 August 1998.**

Sklar does not address the amount of time required to graphically render a data table.

**Official Notice** is taken that when data points are sorted in an order that allows them to be displayed efficiently, such as a linear order related to their rendering on a VRT, they can be rendered in linear time. The underlying reason is that all of the pixels are refreshed in linear time, including those used for the data points.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to access the data points for a graphical user interface in linear order because it is more efficient to display them as they are encountered in the display process.

**4. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar et al (Sklar), US 5,790,121, 4 August 1998 in light of Sorge et al (Sorge), US 6,613,098, 2 September 2003.**

Sklar does not teach the use of a style sheet to arrange the visualization parameters for the elements of his display. However, notes that embodiments of his invention can be applied to Web pages [COL 3 line 61].

Sorge fails to explicitly address clustering, although data is grouped [COL 4 lines 47-49].

**Official Notice** is taken that it was well known at the time of the invention to develop style sheets for the purpose of arranging the visualization parameters of web pages. Sorge provides evidence of this, where cascading style sheets are applied to managing the visualization parameters for records in a spreadsheet rendered in HTML, as is web pages [SUMMARY].

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Spreadsheets are data tables and a form of database, and the visualization elements are discussed in detail in Sorge [COL 4 lines 1-11 and throughout].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the style sheet management of visualization parameters as taught by Sorge into the system of Sklar because this allows the visualization of a data table to be exported on the web [Sorge COL 3 lines 8-18].

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER